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10 Attorneys for Defendants
11 WELLS FARGO BANK, N.A., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
12 INC., and GOLDEN WEST SAVINGS
ASSOCIATION

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

15 JOHN H. ELLIS,

16 Plaintiff,

17 vs.

18 WELLS FARGO BANK, N.A., successor by
19 merger with Wells Fargo Bank Southwest,
N.A., f/k/a WACHOVIA MORTGAGE, FSB
20 a/k/a WELLS FARGO HOME MORTGAGE,
f/k/a Wachovia Bank, f/k/a World Savings
21 ("Wells Fargo"); GOLDEN WEST SAVINGS
ASSOC.; MORTGAGE ELECTRONIC
22 REGISTRATION SYSTEMS, INC.
("MERS"); and DOES 1 to 50, inclusive, all
23 parties unknown claiming to have legal,
equitable, lien and estate against the subject
24 property located at 3061 Pleitner Avenue,
Oakland, California 94603,

25 APN: 27-861-14,

26 Defendants.

Case No.

**NOTICE OF REMOVAL PURSUANT TO
28 U.S.C. § 1331, 1441**

Complaint Filed: July 6, 2021
Trial Date: None Set.

1 This Court has supplemental jurisdiction over any other claims asserted by Plaintiff
2 pursuant to 28 U.S.C. sections 1367(a) and 1441(c).

3 **TIMELINESS**

4 This notice is timely pursuant to 28 U.S.C. section 1446(b) because Wells Fargo was
5 served the complaint on or about September 15, 2021. This notice of removal is being filed within
6 30 days of this date.

7 Defendants Mortgage Electronic Registration Systems and Golden West Savings
8 Association have not yet been served with the complaint, but hereby nonetheless join and consent
9 to Wells Fargo's removal of this action to federal court. Where there are multiple defendants in
10 this action, defendants must communicate their consent to the court by way of "an official filing or
11 voicing of consent." *Knickerbocker v. Chrysler Corp.*, 728 F.Supp. 460, 461–462
12 (E.D.Mich.1990).

13 **OTHER PERTINENT INFORMATION**

14 Pursuant to 28 U.S.C. Section 1446(a), Defendants file this notice in the District Court of
15 the United States for the district and division within which the State Court Action is pending. As
16 such, this case is being removed to the United States District Court for the Northern District of
17 California because the State Court Action is pending in Alameda County.

18 Pursuant to 28 U.S.C. Section 1446(d), a copy of this notice with its attachments will
19 promptly be served on Plaintiff in the State Court Action, and notice thereof will be filed with the
20 clerk of the Alameda County Superior Court.

21 WHEREFORE, Defendants hereby remove Alameda County Superior Court case number
22 RG21103854 to the United States District Court for the Northern District of California.

23 DATED: October 14, 2021

SEVERSON & WERSON, A Professional Corporation

24
25 By: /s/Kerry W. Franich
KERRY W. FRANICH

26 Attorneys for Defendants
27 WELLS FARGO BANK, N.A., MORTGAGE
28 ELECTRONIC REGISTRATION SYSTEMS, INC.,
and GOLDEN WEST SAVINGS ASSOCIATION